

AMENDED IN ASSEMBLY JULY 14, 2009

AMENDED IN ASSEMBLY JUNE 16, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

Assembly Constitutional Amendment

No. 5

Introduced by Assembly Member Charles Calderon

December 15, 2008

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending ~~Section 8~~ *Sections 8 and 10* of Article II thereof, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

ACA 5, as amended, Charles Calderon. Initiatives: state general obligation bonds.

Existing law permits voters to propose statutes and amendments to the Constitution, ~~and to adopt or reject them~~, through the initiative process, *and to adopt any initiative measure by a majority of the votes cast on the measure*.

~~This measure would require an initiative measure that would authorize the issuance of state general obligation bonds to either provide additional tax or fee revenues, the elimination of existing programs, or both, as necessary to fully fund the bonds, as determined by the Legislative Analyst, in order to be submitted to the voters or to have any effect and would require the Attorney General to identify the new revenue source or the eliminated programs in the initiative measure's title and summary. The measure would also require that at least 66% of the voters approve~~ *an specify that an* initiative measure authorizing the issuance of state

general obligation bonds *would instead require approval by 55% of the voters.*

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2009–10 Regular
3 Session, commencing on the first day of December 2008,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 ~~That Section 8 of Article II thereof is amended to read:~~
8 *First—That Section 8 of Article II thereof if amended to read:*

9 SEC. 8. (a) The initiative is the power of the electors to
10 propose statutes and amendments to the Constitution and to adopt
11 or reject them.

12 (b) An initiative measure may be proposed by presenting to the
13 Secretary of State a petition that sets forth the text of the proposed
14 statute or amendment to the Constitution and is certified to have
15 been signed by electors equal in number to 5 percent in the case
16 of a statute, and 8 percent in the case of an amendment to the
17 Constitution, of the votes for all candidates for Governor at the
18 last gubernatorial election.

19 (c) The Secretary of State shall then submit the measure at the
20 next general election held at least 131 days after it qualifies or at
21 any special statewide election held prior to that general election.
22 The Governor may call a special statewide election for the measure.

23 (d) An initiative measure embracing more than one subject may
24 not be submitted to the electors or have any effect.

25 (e) An initiative measure may not include or exclude any
26 political subdivision of the State from the application or effect of
27 its provisions based upon approval or disapproval of the initiative
28 measure, or based upon the casting of a specified percentage of
29 votes in favor of the measure, by the electors of that political
30 subdivision.

31 (f) An initiative measure may not contain alternative or
32 cumulative provisions wherein one or more of those provisions
33 would become law depending upon the casting of a specified
34 percentage of votes for or against the measure.

1 ~~(g) An initiative measure that would authorize the issuance of~~
2 ~~state general obligation bonds shall not be submitted to the electors~~
3 ~~or have any effect unless the measure expressly provides for either~~
4 ~~additional tax or fee revenues, the elimination of one or more~~
5 ~~existing programs, or both, as necessary to fully fund the repayment~~
6 ~~of the bonds, as determined by the Legislative Analyst. The new~~
7 ~~revenue source or the programs eliminated shall be clearly~~
8 ~~identified in the title and summary of the measure prepared by the~~
9 ~~Attorney General.~~

10 ~~(h) An~~
11 *(g) An initiative measure shall be approved by a majority of the*
12 *voters who vote on the initiative measure, except that an initiative*
13 *measure that would authorize the issuance of state general*
14 *obligation bonds shall be approved by at least 66 55 percent of the*
15 *voters who vote on the initiative measure.*

16 *Second—That Section 10 of Article II thereof is amended to*
17 *read:*

18 SEC. 10. (a) An initiative statute or referendum approved by
19 ~~a majority of votes thereon~~ *the voters* takes effect the day after the
20 election unless the measure provides otherwise. If a referendum
21 petition is filed against a part of a statute the remainder shall not
22 be delayed from going into effect.

23 (b) If provisions of 2 or more measures approved at the same
24 election conflict, those of the measure receiving the highest
25 affirmative vote shall prevail.

26 (c) The Legislature may amend or repeal referendum statutes.
27 It may amend or repeal an initiative statute by another statute that
28 becomes effective only when approved by the electors unless the
29 initiative statute permits amendment or repeal without their
30 approval.

31 (d) Prior to circulation of an initiative or referendum petition
32 for signatures, a copy shall be submitted to the Attorney General
33 who shall prepare a title and summary of the measure as provided
34 by law.

35 (e) The Legislature shall provide the manner in which petitions
36 shall be circulated, presented, and certified, and measures submitted
37 to the electors.